

# OFFICIAL CODE OF GEORGIA ANNOTATED

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## 2013 Supplement

Including Acts of the 2013 Regular Session of the General Assembly

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*Prepared by*

The Code Revision Commission

The Office of Legislative Counsel

*and*

The Editorial Staff of LexisNexis®



Published Under Authority of the State of Georgia

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## Volume 28

## 2012 Edition

Title 37. Mental Health

Title 38. Military, Emergency Management,  
and Veterans Affairs

Title 39. Minors

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Including Annotations to the Georgia Reports  
and the Georgia Appeals Reports

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**Place in Pocket of Corresponding Volume of  
Main Set**

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Charlottesville, Virginia**

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ISBN 978-0-327-11074-3 (set)  
ISBN 978-0-7698-4591-3

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## **THIS SUPPLEMENT CONTAINS**

### **Statutes:**

All laws specifically codified by the General Assembly of the State of Georgia through the 2013 Regular Session of the General Assembly.

### **Annotations of Judicial Decisions:**

Case annotations reflecting decisions posted to LexisNexis® through March 29, 2013. These annotations will appear in the following traditional reporter sources: Georgia Reports; Georgia Appeals Reports; Southeastern Reporter; Supreme Court Reporter; Federal Reporter; Federal Supplement; Federal Rules Decisions; Lawyers' Edition; United States Reports; and Bankruptcy Reporter.

### **Annotations of Attorney General Opinions:**

Constructions of the Official Code of Georgia Annotated, prior Codes of Georgia, Georgia Laws, the Constitution of Georgia, and the Constitution of the United States by the Attorney General of the State of Georgia posted to LexisNexis® through March 29, 2013.

### **Other Annotations:**

References to:

Emory Bankruptcy Developments Journal.  
Emory International Law Review.  
Emory Law Journal.  
Georgia Journal of International and Comparative Law.  
Georgia Law Review.  
Georgia State University Law Review.  
Mercer Law Review.  
Georgia State Bar Journal.  
Georgia Journal of Intellectual Property Law.  
American Jurisprudence, Second Edition.  
American Jurisprudence, Pleading and Practice.  
American Jurisprudence, Proof of Facts.  
American Jurisprudence, Trials.  
Corpus Juris Secundum.  
Uniform Laws Annotated.  
American Law Reports, First through Sixth Series.  
American Law Reports, Federal.

### **Tables:**

In Volume 41, a Table Eleven-A comparing provisions of the 1976 Constitution of Georgia to the 1983 Constitution of Georgia and a Table Eleven-B comparing provisions of the 1983 Constitution of Georgia to the 1976 Constitution of Georgia.

An updated version of Table Fifteen which reflects legislation through the 2013 Regular Session of the General Assembly.

**Indices:**

A cumulative replacement index to laws codified in the 2013 supplement pamphlets and in the bound volumes of the Code.

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# **TITLE 37**

## **MENTAL HEALTH**

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### **CHAPTER 3**

#### **EXAMINATION, TREATMENT, ETC., FOR MENTAL ILLNESS**

##### **ARTICLE 1**

###### **GENERAL PROVISIONS**

**37-3-4. Immunity of hospitals, physicians, peace officers, or other private or public hospital employees from liability for actions taken in good faith compliance with admission and discharge provisions of chapter; immunity not applicable to failure to meet standard of care in provision of treatment.**

###### **JUDICIAL DECISIONS**

**Discharge of suicidal patient.**

Trial court did not err in denying a psychiatrist's motion for summary judgment in a patient's medical malpractice action because whether the psychiatrist breached duties arising from the psychiatrist-patient relationship was an

issue of fact; under O.C.G.A. §§ 37-3-4 and 51-1-27, the psychiatrist could be held liable if the treatment of the patient fell below the requisite standard of care, and that failure proximately caused the patient's injury. *Peterson v. Reeves*, 315 Ga. App. 370, 727 S.E.2d 171 (2012).

##### **ARTICLE 6**

#### **RIGHTS AND PRIVILEGES OF PATIENTS, THEIR REPRESENTATIVES, ETC., GENERALLY**

##### **PART 2**

###### **RIGHTS AND PRIVILEGES AS TO MANNER OF CARE AND TREATMENT AND AS TO MAINTENANCE AND RELEASE OF CLINICAL RECORDS**

**Cross references.** — Medical reports ical information may be released, in narrative form, § 24-8-826. When med- § 24-12-1 et seq.



**37-3-162. Patients' care and treatment rights.****JUDICIAL DECISIONS**

**Breach of duty is an issue of fact.** — Trial court did not err in denying a psychiatrist's motion for summary judgment in a patient's medical malpractice action because whether the psychiatrist breached duties arising from the psychiatrist-patient relationship was an issue of fact; pursuant to O.C.G.A. § 9-11-9.1, the patient presented expert testimony that the psychiatrist's breaches of the duty of care directly resulted in the foreseeable harm of the patient's attempt-

ing suicide. *Peterson v. Reeves*, 315 Ga. App. 370, 727 S.E.2d 171 (2012).

**Failure to commit as breach of duty of care.** — Under some circumstances, the failure to commit may constitute a breach of the well-established duty of care physicians owe patients, and when a fact question has been created on that issue, the fact question is for the jury. *Peterson v. Reeves*, 315 Ga. App. 370, 727 S.E.2d 171 (2012).

**37-3-167. Right of patient to examine his records and to request correction of inaccuracies; promulgation of rules and regulations; judicial supervision of files and records relating to proceedings under this chapter.**

**Cross references.** — Release of medical information generally, § 24-12-1 et seq.

**37-3-168. Right of patient's attorney to interview physicians, psychologists, and staff attending patient; establishment of regulations as to release of information to patient's attorney.**

**Cross references.** — Release of medical information generally, § 24-12-1 et seq.

**CHAPTER 4**

**HABILITATION OF THE DEVELOPMENTALLY  
DISABLED GENERALLY**

**ARTICLE 5**

**RIGHTS AND PRIVILEGES OF DEVELOPMENTALLY DISABLED  
PERSONS UNDERGOING HABILITATION, THEIR  
REPRESENTATIVES, ETC., GENERALLY**

**PART 2**

**RIGHTS AND PRIVILEGES AS TO MANNER OF HABILITATION AND AS TO  
MAINTENANCE AND RELEASE OF CLINICAL RECORDS**

**Cross references.** — When medical information may be released, § 24-12-1. Disclosure of medical records, § 24-12-11 et seq.

**37-4-126. Right of client to examine his records and to request correction of inaccuracies; promulgation of rules and regulations; judicial supervision of files and records relating to proceedings under this chapter.**

**Cross references.** — Release of medical information generally, § 24-12-1 et seq.

**37-4-127. Right of client's attorney to interview persons in charge of client's habilitation in a facility; establishment of regulations as to release of information to client's attorney.**

**Cross references.** — Release of medical information generally, § 24-12-1 et seq.

## CHAPTER 7

# HOSPITALIZATION AND TREATMENT OF ALCOHOLICS, DRUG DEPENDENT INDIVIDUALS, AND DRUG ABUSERS

## ARTICLE 6

### RIGHTS AND PRIVILEGES OF PATIENTS, THEIR REPRESENTATIVES, AND OTHERS GENERALLY

#### PART 2

#### RIGHTS AND PRIVILEGES AS TO MANNER OF CARE AND TREATMENT AND AS TO MAINTENANCE AND RELEASE OF CLINICAL RECORDS

**Cross references.** — Disclosure of medical records, § 24-12-11 et seq.

**37-7-167. Right of patient to examine his records and to request correction of inaccuracies; promulgation of rules and regulations; judicial supervision of files and records relating to proceedings under this chapter.**

**Cross references.** — Release of medical information generally, § 24-12-1 et seq.

**37-7-168. Right of patient's attorney to interview physician or psychologist and staff attending patient; establishment of regulations as to release of information to patient's attorney.**

**Cross references.** — Release of medical information generally, § 24-12-1 et seq.



## TITLE 38

# MILITARY, EMERGENCY MANAGEMENT, AND VETERANS AFFAIRS

Chap.

4. Veterans Affairs, 38-4-1 through 38-4-72.

**38-2-280. Reemployment in private industry; various types of absences; injunction to compel; Attorney General's aid.**

**Cross references.** — Priority of service designation for veterans and spouses, § 34-14-6.

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## CHAPTER 3

### EMERGENCY MANAGEMENT

#### ARTICLE 10

#### STATE-WIDE FIRST RESPONDER BUILDING MAPPING INFORMATION SYSTEM

**38-3-152. Creation and operation of building mapping information system; availability to government agencies; rules and regulations; federal funding sources; exemption of information from public disclosure; recommendations for training guidelines; limitations.**

**Law reviews.** — For article on the 2012 amendment of this Code section, see 29 Ga. St. U.L. Rev. 139 (2012).

CHAPTER 4

VETERANS AFFAIRS

Article 2	Sec.	
Veterans Benefits	38-4-91.	Membership.
PART 4	38-4-92.	Duties; recommendations.

RETURNING VETERANS TASK FORCE

Sec.  
38-4-90. Creation.

ARTICLE 2

VETERANS BENEFITS

PART 4

RETURNING VETERANS TASK FORCE

**Effective date.** — This part became effective July 1, 2013.

38-4-90. Creation.

There is created within the Department of Veterans Service the Returning Veterans Task Force. (Code 1981, § 38-4-90, enacted by Ga. L. 2013, p. 563, § 1/SB 76.)

38-4-91. Membership.

The Returning Veterans Task Force shall consist of one representative each from the Department of Veterans Service appointed by the commissioner of veterans service, the Department of Community Health appointed by the commissioner of community health, the Department of Behavioral Health and Developmental Disabilities appointed by the commissioner of behavioral health and developmental disabilities, the Department of Labor appointed by the Commissioner of Labor, the Department of Defense appointed by the adjutant general, the Board of Regents of the University System of Georgia appointed by the chancellor of the Board of Regents of the University System of Georgia, and the Technical College System of Georgia appointed by the commissioner of the Technical College System of Georgia. Other agencies may be invited to participate in the task force based on needs identified over time. The member appointed by the commissioner of veterans service shall serve as chairperson of the task force. (Code 1981, § 38-4-91, enacted by Ga. L. 2013, p. 563, § 1/SB 76.)

**38-4-92. Duties; recommendations.**

The task force shall meet at least quarterly and shall investigate how state services can be provided to veterans returning from military service from which the veteran was discharged under conditions other than dishonorable within the most recent three years in order to assist them in integrating into society. The task force shall issue recommendations to each relevant state agency regarding improving the delivery of services to returning veterans. On or before November 1 of each year, the task force shall transmit specific suggestions for legislation designed to assist returning veterans to the Speaker of the House of Representatives, the Lieutenant Governor, and the Governor. (Code 1981, § 38-4-92, enacted by Ga. L. 2013, p. 563, § 1/SB 76.)

# **TITLE 39**

## **MINORS**

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### **CHAPTER 1**

#### **GENERAL PROVISIONS**

##### **39-1-1. Age of legal majority; residence of persons in state for purpose of attending school.**

**Cross references.** — Termination of juvenile's order of disposition, § 15-11-443. Referral of juveniles to adult services upon reaching age of majority, § 15-11-451.

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### **CHAPTER 4**

#### **INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

##### **39-4-1. "Appropriate public authority" defined.**

#### **JUDICIAL DECISIONS**

**Cited in** In the Interest of S.R.C.J., 317 Ga. App. 699, 732 S.E.2d 547 (2012).

##### **39-4-10. Satisfaction of requirements for visitation, inspection, or supervision of children, homes, institutions, or other agencies.**

#### **JUDICIAL DECISIONS**

**Cited in** In the Interest of S.R.C.J., 317 Ga. App. 699, 732 S.E.2d 547 (2012).









